

The Examiner is referred to MPEP §806.04(d) concerning the requirements for a generic claim and applicants submit that when a generic claim is present, restriction between different inventions is not proper. It appears, however, that the features of claims 2-3, 9-10, 14 and 18 may be considered to be a different species from that of the invention recited in claims 4 and 5. It is noted that the Examiner did not set forth an election of species requirement with respect to the alleged inventions I and II. Thus, the Examiner's contentions that inventions II and I are related as subcombinations disclosed as usable together in a single combination and the Examiner's reference to distinctness in accordance with MPEP §806.05(d) is considered to be improper, noting that the claims do not relate to the different utility as set forth by the Examiner. As such, applicants submit that the Examiner's requirement for restriction is improper and should be withdrawn.

In order to provide a complete response to the restriction requirement, applicants provisionally elect, with traverse, invention II including claims 4 and 5 as well as claims considered generic by the Examiner, i.e. claims 1, 6-8, 11-13, 15-17 and 19. Upon allowance of the generic claims, it is recognized that claims directed to other inventions as determined by the Examiner should be considered.

Applicants note that although the Examiner has set forth in the Office Action an election of species requirement if invention I were elected, since invention II has been elected, with traverse, no further election of species requirement has been set forth with regard to invention II and the response should be considered complete.

For the foregoing reasons, applicants request withdrawal of the restriction requirement and favorable action with respect to all claims present in this application.

To the extent necessary, applicant's petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (501.42964X00) and please credit any excess fees to such deposit account.

Respectfully submitted,



Hung H. Bui
Registration No. 40,415
ANTONELLI, TERRY, STOUT & KRAUS, LLP

HHB/MK/cee
(703) 312-6600